

Election

The Applicant respectfully elects with traverse, Invention I, including Claims 45-70 and 94-123.

Remarks

In the Restriction Requirement, the Patent Office has determined that the application contains the following inventions: Invention I - Claims 45-70 and 94-123, drawn to an exposure apparatus, classified in class 355, subclass 53; and Invention II – Claims 71-93 and 124-135 drawn to a method and article formed, classified in class 430, subclass 4. The Applicant has elected the claims of Invention I with traverse. In particular, the Applicant submits that the Patent Office should withdraw the Restriction Requirement and examine claims 45-135 concurrently.

Argument

In the Restriction Requirement, the Patent Office provided that “Inventions of Group I and of Group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP §806.05(e)). In this case the apparatus could be utilized in a flood exposure process to over solubilize a positive working resist composition for wafer rework.” The Patent Office also provides that “Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different

classification, restriction for examination purposes as indicated is proper." The applicant respectfully disagrees with the restriction requirement with regard to at least some of the claims of Inventions I and II.

In particular, at least some of the apparatus claims of Invention I cannot be used in a flood exposure process to over solubilize a positive working resist composition for wafer rework. For example, claim 45 is directed to an "exposure apparatus for transferring an image onto a device...". Accordingly, the Applicant respectfully submits that the apparatus of claim 45 cannot be "used in a flood exposure process to over solubilize a positive working resist composition for wafer rework." Because not all of the apparatus claims of Invention I can be utilized in a flood exposure process to over solubilize a positive working resist composition for wafer rework, the claims of Invention II should be examined concurrently with the claims of Invention I.

Additionally, the Applicant respectfully submits that the Examiner should at least also examine claims 71-93 of Invention II because these claims were already found to contain allowable subject matter. More specifically, in the first office action, original claims 5, 6, 9-12, 18-21, 29-32, 38, 40 and 41 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 71 is based on original claim 29 rewritten in independent form. Original claim 29 was found to contain patentable subject matter. Accordingly, new claim 71 is considered to be patentable. Because new claims 72-77 depend either directly or indirectly upon new claim 71, they are also considered to be patentable.

Claim 78 is based on original claim 31 rewritten in independent form. Original claim 31 was found to contain patentable subject matter. Accordingly, new claim 78 is considered to be patentable. Because new claims 79-82 depend either directly or indirectly upon new claim 78, they are also considered to be patentable.

Claim 83 is based on original claim 38 rewritten in independent form. Original claim 38 was found to contain patentable subject matter. Accordingly, new claim 83 is considered to be patentable. Because new claims 84-87 depend either directly or indirectly upon new claim 83, they are also considered to be patentable.

Claim 88 is based on original claim 40 rewritten in independent form. Original claim 40 was found to contain patentable subject matter. Accordingly, new claim 88 is considered to be patentable. Because new claims 89-93 depend either directly or indirectly upon new claim 88, they are also considered to be patentable.

Because claims 71-93 were already found to contain allowable subject matter, an additional search is not believed to be necessary. Accordingly, the Patent Office should at least also examine claims 71-93 of Invention II because these claims were already found to contain allowable subject matter.

CONCLUSION

In conclusion, the Applicant respectfully submits that the Restriction Requirement should be withdrawn and claims 45-135 should be examined concurrently. The Examiner is requested to call the undersigned at 858-456-1951 for any reason that would advance the instant application to issue. Any additional extension of time required for the timely submission of this paper, the fees for which have not been previously paid, is hereby petitioned and requested.

Respectfully submitted,



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